

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

DAVID WAYNE STARKEY,
an individual,

Plaintiff,

v.

DAVID STRUCKMAN, et al.,

Defendants

Case No. 02-CV-951K(J) ✓

FILED

SEP 28 2004

**Phil Lombardi, Clerk
U.S. DISTRICT COURT**

ORDER

On September 8, 2004 Magistrate Judge Joyner filed his Report and Recommendation (Dkt. No. 62). Therein, the Magistrate Judge recommended Defendant Struckman's Objection to Report and Recommendation and Pro Se Appearance be stricken pursuant to FED R. CIV. P. 11(a). No objection has been filed to the Report and Recommendation and the time permitting for doing so has passed. *See* FED. R. CIV. P. 72(b). The Court upon independent review sees no reason to depart from the recommendation.

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It is the Order of the Court that the Report and Recommendation (Dkt. No. 62) is affirmed and adopted as the Order of the Court. Defendant Struckman's Objection to Report and Recommendation and Pro Se Appearance (Dkt. No. 58) is therefore stricken. It is FURTHER the Order of the Court that the pleading filed by Defendant Struckman on September 10, 2004 (Dkt. No. 63) is also stricken for the same reason set forth in the above-referenced Report and Recommendation.

IT IS SO ORDERED this 27 day of September, 2004.


TERENCE KERN
UNITED STATES DISTRICT JUDGE